

REMARKS

Claims 1-38 are pending in this application. By this Amendment, Figures 23 and 24 are amended to reflect that they show conventional art.

Applicants appreciate the Office Action's indication that claims 1-3, 9, 11, 14-16, 22, 24-27, 33 and 35 are allowed.

The Office Action indicates that Figure 24 is missing from the application. Applicants respectfully submit that Figure 24 was filed on December 18, 2001. A copy of the filing receipt is attached hereto. However, Applicants attach a copy of Figure 24 for the Examiner's convenience. Furthermore, Figures 23 and 24 are corrected to reflect that they show conventional art.

The Office Action indicates that claims 4-8, 10, 12, 13, 17-21, 23, 28-32, 34 and 36-38 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

MPEP §2173.05(f) provides as follows:

A claim which makes reference to a preceding claim to define a limitation is an acceptable claim construction which should not necessarily be rejected as improper or confusing under 35 U.S.C. 112, second paragraph. For example, claims which read: "The product produced by the method of claim 1." or "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions" are not indefinite under 35 U.S.C. 112, second paragraph, merely because of the reference to another claim. See also *Ex parte Porter*, 25 USPQ2d 1144 (Bd. Pat. App. & Inter. 1992) where reference to "the nozzle of claim 7" in a method claim was held to comply with 35 U.S.C. 112, second paragraph.

Thus, the form of the above-rejected claims is proper.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Michael Britton

Registration No. 47,260

JAO:MB/jfb

Attachments:

Replacement Figures 23 and 24

December 18, 2001 date-stamped PTO mailroom receipt w/Copy of Fig. 24

Date: January 6, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;

Charge any fee due to our
Deposit Account No. 15-0461